IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 15TH NOVEMBER 2006 / 24TH KARTHIKA 1928

Crl.Rev.Pet.No.675 of 1998

CrL.A.NO.365/1996 OF I ADDITIONAL SESSIONS JUDGE, THRISSUR.

C.C.NO.338/1993 OF THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, CHAVAKKAD.

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PETITIONER/APPELLANT/ACCUSED:-

ANTONY, S/O.ARACKAL THOMAS, VENMANAD,
PAVARATTY, CHAVAKKAD, THRISSUR DISTRICT.

BY ADV. SRI.B.RAMAN PILLAI
SRI.GEORGE PHILIP
SRI.R.ANIL
SRI.RAJU RADHAKRISHNAN
SRI.ANIL K.MOHAMMED
SRI.DELVIN JACOB MATHEWS

RESPONDENT/RESPONDENT/COMPLAINANT:-

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K.Bali,C.J.

Crl.R.P.No.675 of 1998

Dated, this the 15th day of November, 2006

ORDER

V.K.Bali,C.J. (Oral)

The petitioner, along with his co-accused, was tried for offences under Sections 341, 323 and 324 of Indian Penal Code. They were convicted and sentenced to undergo simple imprisonment for one month under Section 341, simple imprisonment for three months under Section 323 and simple imprisonment for six months under Section 324 of Indian Penal Code, vide order dated 12th December, 1996 passed by the Judicial Magistrate of the First Class, Chavakkad. In appeal, whereas the conviction and sentence against the petitioner as recorded by the learned Magistrate was confirmed, his co-accused was acquitted, as would be clear from the order dated 13th August, 1998 passed by the I Additional Sessions Judge, Thrissur. It is against these two orders that the present revision has been filed by the 1st accused.

2. Without joining issues on the merits of the case, the learned counsel for the petitioner states that the occurrence pertains to the year 1993 and in the manner aforesaid, the petitioner has already suffered a protracted trial spanned over a period of more than 13 years and, therefore, the petitioner may not be sent to serve a jail term at this stage.

3. Having heard learned counsel for the parties, this Court is of the view that ends of justice would be served if the petitioner, instead of serving the jail term, be asked to pay a fine. In the circumstances of the case, thus, the Court orders that the petitioner would pay a fine of Rs.2,000/= (Rupees two thousand only) within two months from today and would not serve jail term at this stage. Fine, if realised, would be made over to injured Madhusoodanan Pillai, P.W.3. In case fine is not paid, the petitioner would serve the sentence imposed by the Courts below.

The Criminal Revision Petition is disposed of as indicated above.

V.K.Bali
Chief Justice

vku/-